

**REGULAR MEETING  
JANUARY 17, 2002**

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, January 17, 2002, at the hour of 7:00 PM. Those present were Commissioners: Larry Brown, Kevin Gunderson, W. Russell Powell, Polly Rideout and Mayor Paul Reeves, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; Mark Osborne, Fire Chief; Tom Kelley, Chief of Police; Tony Grubb, Finance Director; Steve Corbitt, Director of Public Services; Jim Shaw, Director of Planning and Community Development; Greg Rice, Safety/Risk/Insurance Manager; Gail Melvin, Economic Development Director; Marion Russell, Assistant Director of Public Services; Michelle Veach, Assistant Finance Director, and Reporters.

Reflections were given by Commissioner Powell on the life of Tony Curnutte, *Daily Independent* employee who died earlier today.

The Pledge of Allegiance was conducted.

**AGENDA**

City Manager Fisher presented the agenda of January 17, 2002. Motion was made by Powell, seconded by Brown, to receive and file the agenda. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**HEARINGS AND REPORTS**

**City Manager's Report** – City Manager Fisher stated the Cable TV franchise draft ordinance would be available and distributed for review next week.

**Mayor & City Commissioners' Comments** – Commissioner Gunderson requested the new water bill format include messages on City activities, etc. on future bills. He also reported the state is, or will be, seeking comments on prohibition of parking on Greenup Avenue from 21<sup>st</sup> Street up to 30<sup>th</sup> Street and removal of the traffic island.

Commissioner Brown asked about the committee on the Riverfront Park. Nominations will be sent to the Mayor with approval at the next meeting. He also discussed the *Daily Independent* article on the Mass Transit system. Mr. Brown has asked the City Manager to activate the committee on Mass Transit.

Commissioner Powell expressed satisfaction with the improvement of the water bill format with inclusion of the return envelope.

**PUBLIC PARTICIPATION**

William Darwin May, 610 25<sup>th</sup> Street, inquired about the status of the house at 2504 Bath Avenue. Planning & Community Development Director Shaw checked information in his office on the property and advised the house is condemned and the bid has been awarded for demolition. Mr. Shaw was asked to inform the Commission when the house was torn down.

Carol Jackson, Chairperson of the Human Rights Commission, presented the City with the Kentucky Commission on Human Rights Executive Director's Community Service Award to the Ashland Human Rights Commission. The award recognized the Human Rights Commission for significant contribution towards the cause of human rights in Kentucky in collaboration with the Kentucky Commission on Human Rights to educate the public.

Bill Taylor, 4960 Winchester Avenue, presented a petition in opposition to the re-opening/re-permit process for the coal dock on Winchester Avenue. The City will prepare a letter to accompany the request and include a request for a permit conference.

**REGULAR MEETING JANUARY 17, 2002**  
**PUBLIC PARTICIPATION CONTINUED**

Ann Newman, 4900 Southview Road, on behalf of the Boyd County NAACP, addressed the Commission regarding additional action to be taken against the City Manager. At the conclusion of the closed session on December 13, 2001, action taken was suspension for 1 week without pay and completion of an evaluation. City Manager Fisher referred to his statement issued a month ago. He stated he had no intent to insult anyone. He did not have any argument about the statement and it is not his habit to make derogatory remarks. Mr. Fisher stated he did not use remarks about “rag” or “towel heads”. Dr. Jamil Chandri, Marshall University, stated he is a Muslim and concerned about Mr. Fisher’s remarks. Christopher Barr, 222 22<sup>nd</sup> Street, Vice-President, State NAACP, also expressed concern. Mayor Reeves thanked Ms. Newman, Mr. Barr and Dr. Chandri for their comments. He stated that Mr. Fisher’s actions as City Manager are under review. Commissioner Brown thanked the citizens for coming. He explained the Board was in the process of doing a City Manager evaluation and he wanted to proceed with the evaluation process. Commissioner Gunderson expressed regrets over the incident but asked that it not split the community. Commissioner Rideout stated she was very sorry for the incident. Motion was made by Commissioner Rideout to adopt a preliminary resolution to remove the City Manager from employment 30 days from now. Motion died for lack of a second. Commissioner Powell stated he desired preservation of rights of the Commission and rights of the City Manager. He proposed reviewing the results of the evaluations which have been compiled determining action to be taken and issuance of a statement by the Mayor about the action taken. Additional persons expressing dissatisfaction with the disciplinary action taken were: Edith Smith, 6220 Emily Street; Rev. H. L. Mosley, New Hope Baptist Church; Anne Tolbert, 216 23<sup>rd</sup> Street; Christopher Chandler, 2323 29<sup>th</sup> Street. After discussion, the Commission decided to meet in recessed session on January 31, 2002. The City Manager’s evaluation will be discussed in closed session. Any action taken will be announced at the February 7, 2002 regular meeting.

**MEETING RECESSED AT 8:05 PM.**

**MEETING RECONVENED AT 8:15 PM.**

**OLD BUSINESS**  
**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 5, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND,  
KENTUCKY, AUTHORIZING AND DIRECTING PAUL  
R. REEVES, MAYOR, TO EXECUTE AN AGREEMENT  
BETWEEN THE CITY OF ASHLAND AND KKM  
PROPERTIES REGARDING AN ENCROACHMENT  
FOR AN AWNING AT 459 29<sup>TH</sup> STREET ON THE  
CITY’S RIGHT-OF-WAY.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland Board of City Commissioners hereby authorizes and directs Paul R. Reeves, Mayor, to execute an agreement between the City of Ashland and KKM Properties regarding an encroachment for an awning at 459 29<sup>th</sup> Street which involves using a portion of the City’s right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 5, 2002 CONTINUED**

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. 5, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 6, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,  
AUTHORIZING AND DIRECTING PAUL R. REEVES,  
MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY  
OF ASHLAND AND PRINCE ELECTRONICS FOR THE  
PURCHASE OF ALL LABOR, MATERIALS AND  
EQUIPMENT FOR THE INSTALLATION OF A SECURITY  
CAMERA SYSTEM AT THE WATER TREATMENT PLANT  
FOR THE DEPARTMENT OF PUBLIC SERVICES.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Prince Electronics for the purchase of all labor, materials and equipment for the installation of a security camera system at the Water Treatment Plant for the Department of Public Services in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 6, 2002 CONTINUED**

**MOTION**

Motion was made by Rideout, seconded by Brown, to adopt Ordinance No. 6, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 7, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH BRENNTAG MID-SOUTH, INC. FOR A ONE-YEAR SUPPLY OF SULFUR DIOXIDE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Brenntag Mid-South, Inc., 319 First Street North, St. Albans, WV 25179, to provide a one-year supply of sulfur dioxide in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Gunderson, to adopt Ordinance No. 7, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 8, 2002**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 8, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH CHEMICAL INC. FOR A ONE-YEAR SUPPLY OF LIQUID CAUSTIC SODA AT THE UNIT PRICE SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Chemicals, Inc., 270 Osborne Drive, Fairfield, Ohio 45014, to provide a one-year supply of liquid caustic soda in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Rideout, seconded by Powell, to adopt Ordinance No. 8, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 9, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH CIBA SPECIALTY CHEMICALS CORP. FOR A ONE-YEAR SUPPLY OF LIQUID POLYMER AT THE UNIT PRICE SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 9, 2002 CONTINUED**

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and CIBA Specialty Chemicals Corp, 2301 Wilroy Boulevard, Suffolk, VA 23439-0820, to provide a one-year supply of liquid polymer in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. 9, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 10, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH VOPAK USA INC. FOR A ONE-YEAR SUPPLY OF LIQUID CHLORINE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Vopak USA Inc., 4600 Dues Drive, Cincinnati, OH 45246, to provide a one-year supply of liquid chlorine in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 10, 2002 CONTINUED**

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Gunderson, seconded by Rideout, to adopt Ordinance No. 10, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 11, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH CHEMICAL RESOURCES, INC. FOR A ONE-YEAR SUPPLY OF POWDERED ACTIVATED CARBON, HYDROFLUOSILICIC ACID AND POTASSIUM PERMANGANATE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Chemical Resources Inc., 4569 Knopp Avenue, Louisville, KY 40213-3405, to provide a one-year supply of powdered activated carbon, hydrofluosilicic acid and potassium permanganate in accordance with the bids of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 11, 2002 CONTINUED**

**MOTION**

Motion was made by Rideout, seconded by Gunderson, to adopt Ordinance No. 11, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 12, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH GEO SPECIALTY CHEMICALS FOR A ONE-YEAR SUPPLY OF ALUMINUM SULFATE AT THE UNIT PRICE SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and GEO Specialty Chemicals, P. O. Box 1904067, Little Rock, AR 72219, to provide a one-year supply of aluminum sulfate in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Powell, seconded by Brown, to adopt Ordinance No. 12, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.



**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 13, 2002**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 13, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH DELTA CHEMICALS FOR A ONE-YEAR SUPPLY OF POLY-ALUMINUM CHLORIDE AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Delta Chemicals Corporation, 1601 Cannery Avenue, Baltimore, MD 21226-1595, to provide a one-year supply of poly-aluminum chloride in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Powell, seconded by Rideout, to adopt Ordinance No. 13, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 14, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE A CONTRACT WITH GREER INDUSTRIES, INC. FOR A ONE-YEAR SUPPLY OF 3/4" PEBBLE LIME AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WATER TREATMENT AND WASTEWATER TREATMENT.

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**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 14, 2002 CONTINUED**

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Greer Industries, Inc., 598 Canyon Road, Morgantown, WV, to provide a one-year supply of 3/4" pebble lime in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. 14, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 15, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING BY REFERENCE THE 2002 KENTUCKY BUILDING CODE, THE 1996 INTERNATIONAL MECHANICAL CODE, THE 1995 CABO MODEL ENERGY CODE AND THE 1995 CABO ONE AND TWO FAMILY DWELLING CODE, AS PROMULGATED AND/OR APPROVED BY THE COMMONWEALTH OF KENTUCKY'S BOARD OF HOUSING, BUILDINGS AND CONSTRUCTION, AND AS MAY BE SUBSEQUENTLY REVISED OR AMENDED, AND REPEALING ORDINANCE NO. 111, SERIES OF 1997.

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WHEREAS, KRS 198B.110(1), requires that all buildings constructed in Boyd County shall be built in conformance with the Uniform State Building Code as adopted by the Kentucky Board of Housing, Buildings and Construction, and

WHEREAS, KRS 198B.110 authorizes the legislative body of the City of Ashland, Boyd County, Kentucky, to adopt the Kentucky Building Code prior to the required effective date, and

WHEREAS, KRS 198B.010(5) authorizes any city, county or urban county government to extend, by ordinance, the application of the Kentucky Building Code to single family dwellings, and

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 15, 2002 CONTINUED**

WHEREAS, it is in the best interest of the City of Ashland to protect the public health and safety of its residents by requiring all new structures to be built according to standard criteria;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 111, Series of 1997, is hereby repealed.

SECTION 2. That the 2002 Kentucky Building Code, the 1996 International Mechanical Code, and the 1995 CABO Model Energy Code and the 1995 CABO One and Two Family Dwelling Code, as promulgated and/or approved by the Commonwealth's Board of Housing, Buildings and Construction, and as they may be revised or amended, are hereby adopted in full as an Ordinance of the City of Ashland, Boyd County, Kentucky, by reference, as if set out at length herein.

SECTION 3. That copies of the above Codes, together with copies of all regulations or pamphlets adopted or referred to thereunder, shall be kept on file in the Office of the City Clerk and in the Office of Code Enforcement of the City of Ashland. Such Codes shall be made available for reference at all times during the regular office hours of such officials.

SECTION 4. That an attested copy of this Ordinance shall be transmitted to the Department of Housing, Buildings and Construction of the Commonwealth of Kentucky.

SECTION 5. That the Department of Planning and Community Development, Division of Code Enforcement, shall be the designated local enforcement agency for the above codes.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 7. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 8. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Ordinance No. 15, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 16, 2002**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 16, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE ZONING MAP OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF ASHLAND NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 2317 29<sup>TH</sup> STREET FROM R-5 RESIDENTIAL/MEDIUM DENSITY TO B-1 BUSINESS/NEIGHBORHOOD.

\* \* \* \* \*

WHEREAS, a request has been received from Kandi Self for the rezoning of property located at 2317 29<sup>th</sup> Street from R-5 Residential/Medium Density to B-1 Business Neighborhood, and

WHEREAS, the Ashland Planning Commission held a duly advertised and conducted public hearing on said application on December 18, 2001; and on the basis of evidence presented thereat made certain factual determinations and concluded therefrom that the proposed change is in conformance with the adopted Comprehensive Plan; and made a recommendation to the Ashland City Commission that said application be approved as requested;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. On the basis of the aforementioned factual determinations and recommendation by the Ashland Planning Commission with further review of such facts of the Ashland Board of City Commissioners, and pursuant to KRS Chapter 100, that the official Zoning Ordinance of the City of Ashland, No. 101, series of 1986 and the official Zoning Map which is a part thereof, be hereby amended as follows:

The zoning classification of property located at the 2317 29<sup>th</sup> Street is hereby changed from R-5 Residential/Medium Density to B-1 Business/Neighborhood.

SECTION 2. The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

SECTION 3. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 3, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 16, 2002 CONTINUED**

**MOTION**

Motion was made by Gunderson, seconded by Powell, to adopt Ordinance No. 16, 2002, at this its second reading.

**DISCUSSION**

Commissioner Brown asked if the requesting parties have an option on or own the property for which rezoning was requested. He was informed there was an option.

Christopher Chandler, 2323 29<sup>th</sup> Street, expressed concerns about the rezoning. Mr. Chandler stated he had not received notice on the issue considered during the December 20 Planning Commission meeting. Mr. Chandler was instructed to set up a meeting with Jim Shaw regarding the zoning on his property.

Commissioner Powell asked for clarification about who was eligible to apply for a zoning change – whether you could have an interest in the property or had to own it. He was advised you had to have an interest in the property.

Barbara Bator, 518 10<sup>th</sup> Street, and Tom Cantrell, 1624 Central Avenue, as members of the Planning Commission expressed support of the zoning change.

**MOTION**

Motion was made by Brown, seconded by Powell, to table Ordinance No. 16, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**DISCUSSION**

Mark Spurlock, 2319 29<sup>th</sup> Street, owner of the house on the property, stated he would have no choice but to cancel the option on the purchase of the property Mr. Spurlock is attempting to purchase another home.

Motion and second was withdrawn by Commissioners Brown and Powell.

**MOTION**

Motion was made by Rideout, seconded by Gunderson, to adopt Ordinance No. 16, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**MOTION**

Motion was made by Powell, seconded by Brown, requesting the Corporation Counsel to draft an amendment to the regulation requiring notification of appropriate property owners be sent by registered mail with the cost to be borne by the petition. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**DISCUSSION ITEM**

**Request for limited use of public right-of-way by John D. Stafford at 1301 Greenup Avenue** – Motion was made by Rideout, seconded by Gunderson, to prepare an ordinance including verbiage that the sidewalk in front of the building cannot be used. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**REGULAR MEETING JANUARY 17, 2002**  
**RESOLUTION NO. 2, 2002 – CONSENT AGENDA**

**CONSENT AGENDA**

**RESOLUTION NO. 2, 2002**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **JANUARY 17, 2002**.

\* \* \* \* \*

BE IT RSOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the “Consent Agenda” for the meeting of **January 17, 2002**. Attached hereto and incorporated herein, as if set out in full, is a copy of the “Consent Agenda” hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002

**MOTION**

Motion was made by Powell, seconded by Gunderson, to adopt Resolution No. 2, 2002. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**NEW BUSINESS**

**READING & ADOPTION**

**RESOLUTION NO. 3, 2002**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING PAUL REEVES, MAYOR, TO SUBMIT A TEA-21 GRANT APPLICATION IN THE AMOUNT OF \$500,000.00 FOR THE CITY OF ASHLAND STREETScape PROJECT.

\* \* \* \* \*

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul Reeves, Mayor, is hereby authorized and directed to submit a TEA-21 Grant Application in the amount of \$500,000.00 for the City of Ashland Streetscape Project. Said application is attached hereto and made a part hereof by reference.

**REGULAR MEETING JANUARY 17, 2002**  
**RESOLUTION NO. 3, 2002 CONTINUED**

SECTION 2. That the City of Ashland hereby commits the local match of \$125,000.00 for this grant.

SECTION 3. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002

**MOTION**

Motion was made by Brown, seconded by Powell, to adopt Resolution No. 3, 2002. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**DISCUSSION ITEM**

**Request for limited use of right-of-way by Jim Hall, Don Hall GM Super Center, at 1846 Greenup Avenue** – Motion was made by Powell, seconded by Gunderson, to prepare an ordinance. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**EMERGENCY CLAUSE**  
**FIRST & SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 17, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING PAUL R. REEVES, MAYOR, TO EXECUTE ANY AND ALL DOCUMENTS THAT MAY BE RELATED TO THE SETTLEMENT OF THE *CITY OF ASHLAND V. ALLIED BENEFIT ADMINISTRATORS, INC., ET AL* AND DECLARING AN EMERGENCY TO EXIST TO ALLOW TWO READINGS OF THIS ORDINANCE ON THE SAME DAY.

\* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Paul R. Reeves, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute on behalf of said City any and all documents relating to the settlement of the *City of Ashland v. Allied Benefit Administrators, Inc, et al.*

SECTION 2. Due to the time constraints of the Court action and the Board of Commissioners is not scheduled to hold another regular meeting until February 7, 2002, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

SECTION 3. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflicts only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption and readoption as provided in Section 2 and shall later be published, as required by law.

**REGULAR MEETING JANUARY 17, 2002**  
**ORDINANCE NO. 17, 2002 CONTINUED**

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/PAUL R. REEVES  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
READOPTED BY THE BOARD OF COMMISSIONERS: January 17, 2002  
PUBLISHED:

**MOTION**

Motion was made by Powell, seconded by Gunderson, to adopt Ordinance No. \_\_\_\_\_. 2002, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**SUSPENSION OF RULES**

Motion was made by Powell, seconded by Gunderson, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay – none. Motion passed.

**READOPTION**

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. 17, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**READOPTION**

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. 17, 2002, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Powell, Rideout and Mayor Reeves. Nay - none. Motion passed.

**RECESS**

Mayor Reeves declared the meeting recessed at 9:05 PM until January 31, 2002 at 4:00 PM.

\_\_\_\_\_  
PAUL R. REEVES, MAYOR

ATTEST:

\_\_\_\_\_  
DEBORAH MUSSER  
CITY CLERK